

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ERICK PETERSON,

Plaintiff,

v.

TIMOTHY CASIANA, TRACY KOPFHAMER,
BENJAMIN NEUMAIER, SCOTT ROYCE,
TRAVIS HAAG, DALIA SULIENE,
and MELISSA THORNE,

Defendants.

ORDER

15-cv-49-jdp

This case has been stayed for more than a year while the court attempted to find counsel for plaintiff Erick Peterson. *See* Dkt. 123. During this time, the court has: (1) twice contacted 20 of the biggest law firms that practice in this court; (2) twice contacted the members of the Western District of Wisconsin Bar Association and; (3) contacted the members of the Seventh Circuit Bar Association. Unfortunately, no lawyer has agreed to take the case and the court has exhausted its options. Thus, Peterson now has a choice: (1) proceed on his own without counsel; or (2) dismiss this case without prejudice.

If Peterson chooses the first option, I will direct the clerk of court to set a telephone conference with Magistrate Judge Stephen Crocker to determine a new schedule for the case. After that, it will be up to Peterson to determine how to litigate his claim. The court cannot provide legal advice.

If Peterson chooses to dismiss the case, the dismissal will be without prejudice, which means that Peterson could file a new case at a later date. However, the statute of limitations would continue to run. *Dupuy v. McEwen*, 495 F.3d 807, 810 (7th Cir. 2007) (“[W]hen a suit

is dismissed without prejudice, the statute of limitations continues to run from the date (normally the date of the injury) on which the claim accrued.”).

ORDER

IT IS ORDERED that:

1. The stay in this case is LIFTED.
2. Plaintiff Erick Peterson may have until September 23, 2019, to inform the court in writing whether he wishes to: (1) continue litigating the case but without counsel or (2) dismiss the case without prejudice.
3. If Peterson chooses the first option, the clerk of court will set a telephone scheduling conference with Magistrate Judge Crocker. If Peterson fails to respond by September 23, I will construe his silence to mean that he is choosing the second option and I will direct the clerk of court to close the case.

Entered September 9, 2019.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge